

Wisconsin if this is not the same amendment that has already been passed on by the House and is now lying over in the Senate in the form of a separate bill?

MR. REUSS: The language of this is identical.

MR. ANDERSEN of Minnesota: Mr. Chairman, I make the point of order that this particular amendment has already cleared the House and is awaiting action in the other body which does not care to act upon the matter. It has no place in the bill. . . .

THE CHAIRMAN: ⁽¹²⁾ . . . The question raised by the gentleman from Minnesota was raised when the same question came up last year. The Chairman at that time overruled the point of order holding that it was germane.

The point of order is overruled.

§ 29.57 The Committee of the Whole and not the Chair decides whether it should adopt an amendment consisting of the exact language agreed to in a bill previously passed by the House.

On May 13, 1946, ⁽¹³⁾ the following proceedings took place:

Amendment offered by Mr. [Dewey] Short [of Missouri]: Strike out all after the enacting clause of Senate Joint Resolution 159 and insert the following: . . .

12. Francis E. Walter (Pa.).

13. 92 CONG. REC. 4957, 79th Cong. 2d Sess. Under consideration was S.J. Res. 159, extension of the Selective Training and Service Act.

MR. [WALTER G.] ANDREWS of New York: Mr. Chairman, I make a point of order against the amendment just offered by the gentleman from Missouri on the ground that the exact language in another bill has been acted on favorably by the House.

THE CHAIRMAN: ⁽¹⁴⁾ The Chair states to the gentleman from New York (Mr. Andrews) that that is a matter for the Committee to pass on, not the Chairman. The Chair overrules the point of order.

§ 30. Adoption of Amendment as Affecting Motions To Strike or To Strike or To Strike and Insert

Adoption of Perfecting Amendment as Affecting Vote on Pending Motion To Strike Text

§ 30.1 Where there is pending a motion to strike out a title of a bill and a perfecting amendment (changing the entire title) is then offered and agreed to, the motion to strike the title falls and is not voted upon, and further perfecting amendments to the title are no longer in order.

On Sept. 23, 1975, ⁽¹⁵⁾ the Committee of the Whole having under

14. Alfred L. Bulwinkle (N.C.).

15. 121 CONG. REC. 29827, 29829, 29835, 29836, 94th Cong. 1st Sess.

consideration a bill,⁽¹⁶⁾ the proceedings, described above, were as follows:

MR. [LOUIS] FREY [Jr., of Florida]: Mr. Chairman, for the third time, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Frey: Page 356, line 6, strike out title VIII and all that follows through page 365, line 18. . . .

MR. [JOHN E.] MOSS [of California]: Mr. Chairman, I offer an amendment as a perfecting amendment to the title.

The Clerk read as follows:

Amendment offered by Mr. Moss: Page 356, strike out line 7 and all that follows down through line 18 on page 365 and insert in lieu thereof the following:

Sec. 801. (a) The Comptroller General may conduct verification audits with respect to the books and records of—

(1) any person who is required to submit energy information to the Federal Energy Administration, the Department of the Interior, or the Federal Power Commission pursuant to any rule, regulation, order, or other legal process of such Administration, Department, or Commission. . . .

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 233, noes 162, not voting 38. . . .

For further discussion of circumstances in which a vote may or may not be taken on a pending motion to strike, after perfecting amendments to the text have been agreed to, see Sec. 17, *supra*.

16. H.R. 7014, Energy Conservation and Oil Policy Act of 1975.

THE CHAIRMAN:⁽¹⁷⁾ The Chair wishes to announce that the amendment of the gentleman from Florida (Mr. Frey) falls because an amendment in the nature of a substitute for the title was adopted. The Frey amendment, therefore, would not be voted on. . . .

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, was the amendment introduced as a substitute for the Frey amendment or was it introduced as an amendment to the pending title of the bill?

THE CHAIRMAN: The Chair will state the amendment was introduced as an amendment in the nature of a substitute striking out the title and inserting new language. The amendment offered by the gentleman from Florida (Mr. Frey) was a motion to strike the title. Since the title in its present form has been changed in its entirety the motion to strike falls and is not in order (Cannon's VIII, Sec. 2854).

MR. BROWN of Ohio: Mr. Chairman, a further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. BROWN of Ohio: Mr. Chairman, my parliamentary inquiry is this: Is an amendment to title VIII now in order?

THE CHAIRMAN: The Chair will state that the title has been amended in its entirety and no amendment to it is in order.

§ 30.2 Where there is pending a motion to strike out a section, and a perfecting amendment (to strike the section and insert new language) is then offered and agreed to,

17. Richard Bolling (Mo.).

the motion to strike the section falls and is not voted upon, and a renewed motion to strike the section is not in order since the section has been amended in its entirety.

On Sept. 24, 1975,⁽¹⁸⁾ during consideration of a bill⁽¹⁹⁾ in the Committee of the Whole, the Chair responded to a parliamentary inquiry regarding the proceedings described above.

The Clerk read as follows:

Amendment offered by Mr. McCollister: Page 20, strike out lines 8 through 22. Redesignate the succeeding sections accordingly. . . .

MR. [JOHN E.] MOSS [of California]: Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

Amendment offered by Mr. Moss: Page 20, strike out lines 8 through 22 and insert in lieu thereof the following:

COMPLIANCE TESTS

Sec. 11. Section 7(a) of the Consumer Product Safety Act (15 U.S.C. 2056(a)) is amended (1) by inserting

18. 121 CONG. REC. 30092, 30097, 30098, 94th Cong. 1st Sess.

For further discussion of circumstances in which a vote may or may not be taken on a pending motion to strike, after perfecting amendments to the text have been agreed to, see Sec. 17, *supra*.

19. H.R. 6844, Consumer Product Safety Commission Improvements Act of 1975.

“(1)” after “(a)”. . . . and (3) by adding at the end the following new paragraph:

“(2) No consumer product safety standard promulgated under this section shall require, incorporate or reference any sampling plan. . . .

MR. [LIONEL] VAN DEERLIN [of California]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN:⁽²⁰⁾ The gentleman will state it.

MR. VAN DEERLIN: Pending before the Committee is a substitute amendment by the gentleman from California (Mr. Moss) to section 11 of the bill having to do with the system of sampling.

My parliamentary inquiry is this. In the event that the Committee votes favorably on the Moss substitute to this section, would there then be an ensuing vote on the McCollister motion to strike, or would we then be finished with the activities for this evening, it being the intention to rise as soon after 6 o'clock p.m. as possible?

THE CHAIRMAN: The amendment offered by the gentleman from Nebraska would not be voted on in the event the amendment offered by the gentleman from California (Mr. Moss) is sustained. . . .

MR. [JAMES T.] BROYHILL [of North Carolina]: Mr. Chairman, if the Moss amendment were to be adopted, would a motion to strike then be in order?

THE CHAIRMAN: The answer is “no.” The motion to strike would fall.

MR. BROYHILL: I am talking about a new motion to strike.

THE CHAIRMAN: No, it would not. The section would have been amended in its entirety.

20. Bob Bergland (Minn.).

§ 30.3 While the adoption of an amendment changing all the text of a section precludes a vote on a pending motion to strike out that section, the motion to strike will still be voted on where the perfecting amendment to the section changes some but not all of that text.

On Sept. 29, 1975,⁽²¹⁾ the Committee of the Whole having under consideration H.R. 8630,⁽¹⁾ several parliamentary inquiries were directed to the Chair, as indicated below:

MR. [EDWARD J.] DERWINSKI [of Illinois]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:⁽²⁾ The gentleman will state it.

MR. DERWINSKI: If the Alexander substitute is agreed to, what is the effect of the substitute on my original amendment to section 2 of the bill?

THE CHAIRMAN: In answer to the gentleman's parliamentary inquiry, the gentleman will state that if the Alexander perfecting amendment is agreed

to, it appears that the gentleman's motion to strike might not be voted on.

MR. DERWINSKI: Section 2 would then remain in the bill?

THE CHAIRMAN: Section 2 would remain in the bill as amended by the gentleman's perfecting amendment. . . .

The Chair would like to make a clarification on the ruling it made earlier. It now appears to the Chair that the perfecting amendment of the gentleman from Arkansas does not perfect or replace the entire section 2 of the bill; that even if the gentleman's amendment is agreed to there would still be a vote on the motion of the gentleman from Illinois to strike the entire section; so with that clarification of the Chair, are there further amendments?

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Chairman, may we have a reclarification of the Chairman's ruling, because that is different than what the Chair said a minute ago?

THE CHAIRMAN: That is what the Chair was stating, if the gentleman will allow the Chair to restate it. After the amendment of the gentleman from Arkansas is voted upon, should it be agreed to by the Committee, then the question before the Committee would be the motion to strike offered by the gentleman from Illinois (Mr. Derwinski). That would then be voted upon. If the gentleman's amendment is voted down, we would likewise have a vote on the motion of the gentleman from Illinois.

—Vote on Pending Motion To Strike Text After Portion of Text Has Been Amended

§ 30.4 The adoption of a perfecting amendment to a por-

21. 121 CONG. REC. 30770, 94th Cong. 1st Sess.

For further discussion of circumstances in which a vote may or may not be taken on a pending motion to strike, after perfecting amendments to the text have been agreed to, see Sec. 17, *supra*.

1. Postal Reorganization Act Amendments of 1975.
2. Walter Flowers (Ala.).

tion of the text of a bill does not preclude a vote on a pending motion to strike out that entire text as amended.

The ruling of the Chair on Oct. 5, 1972,⁽³⁾ was that the vote on a pending motion to strike out a section of a bill is not precluded by the adoption of a perfecting amendment which does not change the entire text of that section.

Ordinarily, of course, if a motion to strike out a section or paragraph and insert new language is agreed to, a pending amendment proposing to strike out the entire section or paragraph falls and is not voted upon.⁽⁴⁾

Striking Out Larger Portion of Text Including Adopted Amendment

§ 30.5 While it is not in order to strike out an amendment already agreed to, it is in order to strike out a larger portion of the paragraph which includes the amendment and insert a new paragraph of different meaning.

On May 2, 1940,⁽⁵⁾ the following proceedings took place:

3. 118 CONG. REC. 34130, 92d Cong. 2d Sess. Under consideration was H.R. 16656.
4. See §31.11, *infra*.
5. 86 CONG. REC. 5451, 76th Cong. 3d Sess. Under consideration was H.R.

MR. [ROBERT] RAMSPECK [of Georgia]: Mr. Chairman, I make the point of order that the gentleman is undertaking to strike out of the bill language which the gentleman from Virginia has just written into it.

MR. [WILLIAM M.] WHITTINGTON [of Mississippi]: I strike out additional language, too. I have not offered any amendment at all to the amendment of the gentleman from Virginia. . . .

THE CHAIRMAN:⁽⁶⁾ The gentleman makes the point of order that the proposed amendment of the gentleman from Mississippi seeks to strike out the amendment that was just adopted.

MR. WHITTINGTON: Mr. Chairman, I answered that by saying that I propose to strike out the language of the bill, and that point of order is not well taken. . . .

THE CHAIRMAN: . . . (T)he Chair overrules the point of order.

§ 30.6 It is not in order to strike out an amendment previously agreed to, but other words of the title, including the amendment, may be stricken to insert language of a different meaning.

On June 22, 1960,⁽⁷⁾ the following amendment was offered to a bill⁽⁸⁾ to amend the Agricultural Acts of 1938 and 1949:

5435, to amend the Fair Labor Standards Act of 1938. See also §30.6, *infra*.

6. Claude V. Parsons (Ill.).
7. 106 CONG. REC. 13874, 86th Cong. 2d Sess. See also §30.5, *supra*.
8. H.R. 12261.

The Clerk read as follows:

Amendment offered by Mr. (Albert H.) Quie [of Minnesota]: On page 15, line 15, after the words "Title II", strike out the rest of line 15, lines 16 through 26, all of pages 16, 17, 18, 19, 20, 21, 22, and lines 1 through 15 on page 23, and insert in lieu thereof the following:

"FEED GRAINS

"Sec. 201. This Act may be cited as the 'Payment-in-Kind Act of 1960'.

"Sec. 202. Effective beginning with the 1961 crops, the Secretary is directed to formulate and carry out a payment-in-kind program with respect to wheat. . . ."

A substitute amendment was offered:⁽⁹⁾

The Clerk read as follows:

Amendment offered by Mr. (H. Carl) Andersen of Minnesota as a substitute for the amendment offered by Mr. Quie: On page 15, after line 16, insert:

"Sec. 201. (a) As soon as practicable after the enactment of this Act, the Secretary shall conduct a referendum of producers. . . ."

The Andersen substitute (as amended) was adopted; then the Quie amendment as amended by the substitute was agreed to.⁽¹⁰⁾

On the next day,⁽¹¹⁾ the following proceedings took place:

The Clerk read as follows:

Amendment offered by Mr. [Gerald T.] Flynn [of Wisconsin]: On page 15,

line 15, strike out all of title II commencing with the word "Title" on line 15 and continuing through the word "1965" on line 15 of page 23, and insert the following:

"TITLE II—GENERAL PROVISIONS

"Sec. 201. This Act may be cited as the 'Agricultural Production Stabilization Through Conservation Act.'

"202. It is hereby declared to be the policy of the Congress to eliminate the recurrence in the future of burdensome surpluses of agricultural production. . . ."

MR. ANDERSEN of Minnesota: Is the gentleman's amendment in order at this point after the substitute for the Quie amendment has been adopted?

THE CHAIRMAN:⁽¹²⁾ It is.

MR. ANDERSEN of Minnesota: And its effect would be to undo everything that we did yesterday?

THE CHAIRMAN: The Chair does not pass on the effect of amendments.

§ 30.7 While an amendment which has been agreed to may not be modified, an amendment to strike it from the bill with other language of the original section and insert new text is in order.

On May 11, 1972,⁽¹³⁾ during consideration of a bill⁽¹⁴⁾ to amend the Fair Labor Standards Act of 1938, the following proceedings took place:

Amendment offered by Mr. [John B.] Anderson of Illinois to the amendment

9. 106 CONG. REC. 13875, 86th Cong. 2d Sess.

10. *Id.* at p. 13880.

11. 106 CONG. REC. 14061, 14062, 86th Cong. 2d Sess., June 23, 1960.

12. Frank N. Ikard (Tex.).

13. 118 CONG. REC. 16848, 16852, 92d Cong. 2d Sess.

14. H.R. 7130.

in the nature of a substitute offered by Mr. Erlenborn: Page 2, line 13. Strike out "\$2 an hour" and insert in lieu thereof the following: "\$1.80 an hour. . . ."

So the amendment to the amendment in the nature of a substitute was agreed to. . . .

Amendment offered by Mr. [Watkins M.] Abbitt [of Virginia] to the amendment in the nature of a substitute offered by Mr. Erlenborn of Illinois: Page 2, strike out lines 5 through 22 and insert in lieu thereof the following:

Sec. 101. (a) Section 6(a) (29 U.S.C. 206(a)) is amended by striking out "(a) Every employer" and all that follows through paragraph (1) and inserting in lieu thereof the following: . . .

MR. [JOHN N.] ERLBORN: Mr. Chairman, I now have a copy of the amendment. It apparently does amend the same language that the Anderson language has just amended. . . .

THE CHAIRMAN:⁽¹⁵⁾ The Chair would like to read from page 13 of the Cannon's Procedure, 1957 edition. . . . It is not in order to—

strike out an amendment already agreed to, but other words of the paragraph, including the amendment, may be stricken out to insert a new paragraph of different meaning.

The amendment strikes out the entire section and inserts new language.

The Chair rules that the amendment is in order and overrules the point of order.

§ 30.8 While an amendment which has been agreed to

15. Richard Bolling (Mo.).

may not be modified by further amendment, a motion to strike that amendment together with other language in the original bill is in order.

On Jan. 21, 1976,⁽¹⁶⁾ where a sentence in a section of a bill had been amended, a further amendment to that section striking the language inserted by the previous amendment and striking additional language of the section was held in order. An amendment was first offered by Mrs. Patsy T. Mink, of Hawaii:

MRS. MINK: Mr. Chairman, I offer a technical amendment.

The Clerk read as follows:

Amendment offered by Mrs. Mink: On page 23, delete lines 8 through 11, and insert in lieu thereof the following: "coal within the tract. Public hearings in the area shall be held by the Secretary prior to the lease sale.

"(D). No lease sale shall be held until after the notice of the proposed offering for".

MRS. MINK: Mr. Chairman, this is a simple technical amendment deleting words that would require some interpretation and evaluation, and change of the term "approval of a lease" to "lease sale" since that has a technical definition. I believe there is no objection from the other side.

THE CHAIRMAN:⁽¹⁷⁾ The question is on the amendment offered by the gentlewoman from Hawaii [Mrs. Mink].

16. 122 CONG. REC. 502, 507, 94th Cong. 2d Sess. Under consideration was H.R. 6721, to amend the Mineral Leasing Act of 1920.

17. Charles H. Wilson [Calif.].

The amendment was agreed to. . . .

Mr. [Philip E.] Ruppe [of Michigan]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Ruppe: Delete the sentences which begin and end on: Page 21, line 19 to Page 22, line 5; page 23, line 8 through line 9; page 26, line 9 through 11; and page 19, line 23 to page 20, line 4.

Adding the following new section 8 and renumber subsequent sections accordingly:

"Sec. 8(a). In preparing land-use plans, the Secretary of the Interior or, in the case of lands within the National Forest System, the Secretary of Agriculture shall consult with appropriate State and local officials, and shall provide an opportunity for public hearing on proposed land-use plans prior to their adoption, if requested by any person having an interest which is, or may be, adversely affected by the adoption of such plans.

(b) Prior to a lease sale, the Secretary of the Interior shall consult with appropriate State and local officials. . . .

MRS. MINK: Mr. Chairman, I make the same point of order on this amendment that I made before, since it includes page 23, line 8 through line 9, which has already been amended by the committee.

THE CHAIRMAN: Does the gentleman from Michigan (Mr. Ruppe) desire to be heard on the point of order?

MR. RUPPE: I do, Mr. Chairman.

Mr. Chairman, the amendment that I am offering is much broader, I believe, than simply the language that was offered initially by the gentlewoman from Hawaii (Mrs. Mink) in her amendment, because my amendment would strike out all of the named

sections. It, therefore, constitutes a substantial change, one far beyond that of the perfecting amendment offered by the gentlewoman from Hawaii (Mrs. Mink).

I would refer to Deschler's Procedure, page 350, item 27.12, and I will read as follows:

While it is not in order to amend an amendment already agreed to, the adoption of a perfecting amendment to a section does not preclude the offering of further perfecting amendments to other portions of the section or amendments broader in scope encompassing other portions of the section as well as the perfected portion.

THE CHAIRMAN: The Chair is prepared to rule.

In addition to Deschler's Procedure, Cannon's Precedents (volume 8, section 2855) provides that while an amendment which has been agreed to may not be modified, a motion to strike it from the bill with other language in the original section is in order.

The Chair therefore overrules the point of order. The amendment is in order.

Committee Amendments Adding New Sections at End of Bill

§ 30.9 Where committee amendments adding new sections at the end of a bill have been adopted, an amendment proposing to strike out a section of the original bill and the new sections is not in order.

On Mar. 10, 1971,⁽¹⁸⁾ the following proceedings took place:

The Clerk read as follows:

Committee amendment: Page 2, after line 5, add the following:

"Sec. 3. The Economic Stabilization Act of 1970 (title II of the Act of August 15, 1970 (Public Law 91-379)) is amended by inserting at the end thereof the following new section:

"Sec. 207. Authorization for appropriations. . . ."

The committee amendment was agreed to. . . .

The Clerk read as follows:

Committee amendment: Page 2, following section 3 add the following:

"Sec. 4. . . ."

The committee amendment was agreed to. . . .

The Clerk read as follows:

Amendment offered by Mr. [Garry E.] Brown of Michigan: Page 1, strike out line 8 and all that follows thereafter down through page 2, line 18, and insert in lieu thereof the following:

"Sec. 2. The Economic Stabilization Act of 1970 (title II of the Act of August 15, 1970 (Public Law 91-379)), is amended to read as follows: . . ."

MR. [WRIGHT] PATMAN [of Texas]: Mr. Chairman, my point of order is this: That we have passed, in the consideration of this bill, the part of the bill to which an attempt is being made to offer an amendment to the bill; therefore, it is not in order. It has been passed—rather, I mean the whole bill has been read. . . .

MR. BROWN of Michigan: . . . Mr. Chairman, I would suggest that the amendment I am offering on this occasion is to the very part that goes to sections 2, 3, and 4, in effect, because it replaces it with a totally different section 2.

Now, I would suggest, Mr. Chairman, that should the point of order raised by the gentleman from Texas be sustained, I will then merely offer a further amendment which will strike sections 3 and 4, which then clearly goes to the very section we are dealing with.

THE CHAIRMAN:⁽¹⁹⁾ . . . The amendment of the gentleman from Michigan is offered to section 2, which had been read, and to which amendments have been adopted. Two additional committee amendments, sections 3 and 4, have also been agreed to. The amendment of the gentleman from Michigan comes too late and the Chair sustains the point of order made by the gentleman from Texas. . . .

The Clerk read as follows:

Amendments offered by Mr. Brown of Michigan: Page 1, strike out line 8 and all that follows thereafter.

POINT OF ORDER

MR. PATMAN: Mr. Chairman, I make the point of order that the amendment comes too late. . . .

MR. BROWN of Michigan: Mr. Chairman, as I indicated earlier, to the extent that my amendment strikes out all of section 2 including sections 3 and 4 and all the rest of the bill, it had to relate to what is before the House at the present time.

18. 117 CONG. REC. 5856-58, 92d Cong. 1st Sess. Under consideration was H.R. 4246.

19. George W. Andrews (Ala.).

THE CHAIRMAN: . . . The amendment comes too late since it is an amendment to a section of the bill that has been passed.

Committee Amendment Adding New Paragraph to Subsection

§ 30.10 Where a committee amendment has added a new paragraph to a subsection, it is not in order to subsequently offer an amendment that merely strikes out that new paragraph.

On Oct. 9, 1985,⁽²⁰⁾ it was demonstrated that it is not in order to offer an amendment merely striking out an amendment previously agreed to. The proceedings in the Committee of the Whole were as follows:

The text of the remaining committee amendment to section 7 is as follows:

Committee amendment: page 13, after line 9, add the following:

(4) Also included under subsection (a)(2) shall be the Commission's determination as to whether any portion of any differential identified under subsection (b)(1) which cannot be accounted for by the application of job-content and economic analyses may be inconsistent with the general policy expressed in section 2(a) that sex, race, and ethnicity should not be among the factors considered in determining any rate of pay. . . .

20. 131 CONG. REC. 26952, 26956, 26957, 99th Cong. 1st Sess. Under consideration was H.R. 3008, the Federal Pay Equity Act.

MR. [CHARLES W.] STENHOLM [of Texas]: Mr. Chairman, I offered an amendment.

The Clerk read as follows:

Amendment offered by Mr. Stenholm: In section 7(c), strike out paragraph (4). . . .

MS. [MARY ROSE] OAKAR [of Ohio]: Mr. Chairman, I raise a point of order at this time. I appreciate the work that the gentleman and I have done together on this issue, and we were happy to meet some of his concerns, but the amendment offered by the gentleman from Texas [Mr. Stenholm] proposed to amend the committee amendment to section 7 previously agreed to.

Accordingly, it is not in order. I call to the Chair's attention section 27.1 of chapter 27 of Deschler's Procedure which provides, quote:

"It is fundamental that it is not in order to amend an amendment already agreed to."

Mr. Chairman, at this time, although I do look forward to working with the gentleman before we have final passage, I insist on my point of order. . . .

THE CHAIRMAN PRO TEMPORE: The Chair then would be prepared to rule.

According to precedents, chapter 27, section 28.1 it is not in order to offer an amendment merely striking out an amendment previously agreed to.

Therefore the Chair would rule that the amendment of the gentleman is out of order.

Parliamentarian's Note: The same purpose, that of striking the inserted committee amendment, could be achieved by rejecting

that committee amendment on a separate vote in the House, thereby deleting the inserted language.

New Section as Including and Omitting Amendments Previously Agreed To

§ 30.11 After agreeing to several amendments to section 1 of a bill, the Committee of the Whole agreed to a motion to strike out and insert a new section which included some of the amendments agreed to, but omitted one of them.

On Sept. 2, 1964, during consideration of a bill⁽²¹⁾ extending and amending the law regarding the "Food and Peace" program, an amendment⁽¹⁾ offered by Mr. Paul Findley, of Illinois, was agreed to.

The purpose of the amendment was to require congressional appropriation for grants of United States-owned foreign currencies. In explaining the amendment, Mr. Findley quoted from a Senate report relating to the same provision as found in a Senate bill:

The purpose of this amendment is to provide the same degree of control over grants of U.S.-owned foreign currencies as is provided in the regular foreign

assistance legislation over dollar grants; also to coordinate all foreign assistance grants and to assure that grants of foreign currencies are used in place of dollar grants rather than being supplementary thereto. Further the making of such grants subject to congressional appropriation control. . . .⁽²⁾

Other amendments to section 1 of the bill were adopted. On the next day,⁽³⁾ the following proceedings took place:

MR. [JOHN J.] ROONEY of New York: Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. Rooney of New York: Strike out all of section (1) and insert in lieu thereof the following: "That the Agricultural Trade Development and Assistance Act of 1954, as amended, is further amended as follows: . . ."

THE CHAIRMAN:⁽⁴⁾ he Chair feels that the author of the amendment should explain the amendment and the Chair recognizes the gentleman from New York [Mr. Rooney] on his amendment.

MR. ROONEY of New York: . . . This pending substitute for section 1 substantially contains the bill as it has been approved up to this point, including the amendments of the gentleman from Ohio [Mr. Oliver P. Bolton], and the gentleman from California [Mr. Roosevelt], with one exception, and

21. H.R. 12298.

1. See 110 CONG. REC. 21424, 88th Cong. 2d Sess.

2. *Id.* at p. 21425.

3. 110 CONG. REC. 21587, 88th Cong. 2d Sess., Sept. 3, 1964.

4. Oren Harris (Ark.).

that is exclusion of the so-called Findley amendment adopted yesterday.

I must be frank and say that I supported the Findley amendment on yesterday. Today I find that I cannot support it for the reason that in South Vietnam 90 percent of the local currency funds generated under title I sales, Public Law 480, is used to support the military effort there. In view of this situation in Vietnam, Mr. Chairman, if we adopt the pending substitute for section 1 of the bill we will not only approve all the amendments adopted up to now, except the so-called Findley amendment, but also strike out at page 2 of the bill the controversial matter in lines 13 to 25 inclusive and at page 3 of the bill lines 1 to 14 inclusive.

The Rooney amendment was agreed to.⁽⁵⁾

Perfecting Amendment Affecting Part of Section as Not Precluding Other Amendments, Including Amendment Striking Whole .

§ 30.12 The Chair has indicated that the adoption of a perfecting amendment affecting part of a section would not preclude an amendment proposing to strike out the entire section, nor would it preclude further perfecting amendments to other portions of the section or a mo-

tion to strike out the section and insert new text.

On Dec. 12, 1973,⁽⁶⁾ the following proceedings took place:

MR. [BROCK] ADAMS [of Washington]: Mr. Chairman, as I understand it this is a perfecting amendment to section 120. I have previously indicated, and have filed it with the Clerk, that I will offer a motion to strike section 120, the so-called antitrust section. My question is this: If a vote occurs upon the amendment offered by the gentleman from Texas and the section is perfected or not perfected by his amendment, am I precluded from moving to strike section 120 at a later time in the proceedings?

THE CHAIRMAN:⁽⁷⁾ Regardless of the outcome on the amendment now pending, the gentleman will not be precluded from making a motion to strike at another time because this is a perfecting amendment that does not deal with the whole of the section. . . .

MR. [John F.] Seiberling [of Ohio]: Mr. Chairman, if the amendment offered by the gentleman from Washington should not succeed and someone else should offer another amendment to section 120, will that amendment be precluded by this perfecting amendment?

THE CHAIRMAN: Not necessarily. The Chair will answer the gentleman by saying that section 120 is a long section. Other amendments to the section might still be offered. But in the event

5. 110 CONG. REC. 21591, 88th Cong. 2d Sess., Sept. 3, 1964.

6. 119 CONG. REC. 41166, 93d Cong. 1st Sess. Under consideration was H.R. 11450.

7. Richard Bolling (Mo.).

the amendment offered by the gentleman from Texas is adopted a further amendment to that particular portion of the language might be precluded. But other parts of the language in that particular section would still be open to amendment.

MR. SEIBERLING: Mr. Chairman, suppose the amendment were a complete substitute for section 120.

THE CHAIRMAN: It would still be in order.

Similarly, it has been held that, while an amendment which has been agreed to may not be modified, a proposition to strike it from the bill with other language of the original text is in order.⁽⁸⁾

§ 30.13 The adoption of a committee amendment perfecting a section of a bill does not preclude the offering of a motion to strike the entire section.

On Dec. 8, 1975,⁽⁹⁾ the Committee of the Whole was considering committee amendments to H.R. 8631⁽¹⁰⁾ when a parliamentary inquiry was directed to the Chair. The proceedings were as follows:

THE CHAIRMAN:⁽¹¹⁾ The Clerk will report the next committee amendment.

8. See, for example, Sec. 30.6, *infra*; see also 107 CONG. REC. 16059, 87th Cong. 1st Sess., Aug. 16, 1961.
9. 121 CONG. REC. 39067, 94th Cong. 1st Sess.
10. A bill to amend the Atomic Energy Act of 1954.
11. Romano L. Mazzoli (Ky.).

The Clerk read as follows:

Committee amendment: Page 8, line 7, after the word "greater:" insert "*Provided That* in the event of a nuclear incident involving damages in excess of that amount of aggregate liability, the Congress will thoroughly review the particular incident and will take whatever action is deemed necessary and appropriate to protect the public from the consequences of a disaster of such magnitude: *And provided further,*" . . .

MR. [JONATHAN B.] BINGHAM [of New York]: Mr. Chairman, if this committee amendment is agreed to, will the gentleman from New York—this gentleman—still be in a position to offer an amendment to strike the entire section?

THE CHAIRMAN: The gentleman from New York will be advised that his right to offer an amendment will be protected, and he can offer it if the committee amendment is agreed to. . . .

The committee amendment was agreed to.

MR. BINGHAM: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bingham: Page 7, beginning with line 21, strike out all down through line 19 on page 8, and insert in lieu thereof the following:

Sec. 6. Section 170 of the Atomic Energy Act of 1954, as amended, is amended by striking out subsection *e*.

—Perfecting Amendment Affecting Part of Section as Not Precluding Amendment To Strike Unamended Portion

§ 30.14 A perfecting amendment to a portion of a section

having been adopted while a motion to strike out the section was pending, another perfecting amendment (to strike out the remainder of the section not yet perfected) could be offered and voted on prior to the motion to strike the section.

On Sept. 29, 1975,⁽¹²⁾ during consideration of a bill⁽¹³⁾ in the Committee of the Whole, the Chair responded to parliamentary inquiries as described above. The proceedings were as follows:

MR. [EDWARD J.] DERWINSKI [of Illinois]: Mr. Chairman, I will try to propound a proper parliamentary inquiry. . . . My original amendment was to strike section 2 in its entirety. We have just accepted striking from line 20, section 2, through line 6 on page 13. Is an amendment in order at this point to strike the remainder of that section?

THE CHAIRMAN:⁽¹⁴⁾ The Chair will respond to the gentleman by saying that an amendment would be in order to strike so much of the section that was not amended by the gentleman from Arkansas' amendment. . . .

MR. [JAMES M.] HANLEY [of New York]: Mr. Chairman, just a point of information to clarify this vote for the benefit of all Members, the under-

standing is that the adoption of the Derwinski amendment would have the effect of nullifying the Alexander amendment, and in so doing reverting back to present law; am I correct?

THE CHAIRMAN: The motion of the gentleman from Illinois would strike the entire section, including that section as amended by the gentleman from Arkansas.

Parliamentarian's Note: If the perfecting amendments that were the subject of Mr. Derwinski's inquiries were both adopted, the section would have been amended in its entirety, and the motion to strike would then fall.

Adoption of Amendment Inserting Language at End of Paragraph

§ 30.15 The Chair has indicated that the adoption of a perfecting amendment inserting language at the end of a paragraph would not preclude further perfecting amendments to the original paragraph or an amendment striking the entire perfected paragraph and inserting new language.

On June 15, 1972,⁽¹⁵⁾ the following proceedings took place:

MR. [FRANK E.] EVANS of Colorado: . . . In the event the amendment of

12. 121 CONG. REC. 30772, 30773, 94th Cong. 1st Sess.

13. H.R. 8630, Postal Reorganization Act Amendments of 1975.

14. Walter Flowers (Ala.).

15. 118 CONG. REC. 21105, 92d Cong. 2d Sess. Under consideration was H.R. 15417.

the distinguished gentleman from Pennsylvania (Mr. Flood) passes, thereby limiting the expenditures under title I to that which was spent the last fiscal year, thereafter, after the adoption of the gentleman's amendment, would it be in order to offer an amendment to increase the sum of money contained in the bill for title I.

THE CHAIRMAN:⁽¹⁶⁾ If the amendment were agreed to, the Chair would inform the gentleman from Colorado that further amendments to the paragraph would still be in order. . . .

The Chair will say that the amendment offered by the gentleman from Pennsylvania (Mr. Flood) is an amendment to the paragraph, a perfecting amendment, and if that amendment is agreed to an amendment striking and inserting a whole new paragraph would still be in order.

Adoption of Conforming Amendments

§ 30.16 Where the Committee had agreed to an amendment striking out certain words and had made conforming amendments to succeeding sections of the bill, the Chair held that a subsequent motion, altering the conforming changes already adopted, was not in order.

On Sept. 23, 1969,⁽¹⁷⁾ the following proceedings took place:

16. Chet Holifield (Calif.).

17. 115 CONG. REC. 26586-89, 91st Cong. 1st Sess. Under consideration was H.R. 12549.

The Clerk read as follows:

Amendments offered by Mr. [Wayne N.] Aspinall [of Colorado]:

On page 1, lines 3 to 6, strike out "Fish and Wildlife Coordination Act is amended by redesignating section 5A as section 5B and by inserting immediately after section 5 the following new section:

"Sec. 5A. (a). . . .

On page 2, line 13, strike out "(b)" and insert "Sec. 2."

On page 3, line 1, strike out "(c)(1)" and insert "Sec. 3."

On page 3, line 5, strike out "by and with the advice and consent of the Senate." . . .

On Page 4, line 1, strike out "(B)" and insert "(b)".

On page 4, line 10, strike out "(C)" and insert "(c)".

On page 4, line 17, strike out "(D)" and insert "(d)".

On page 4, line 21, strike out "(E)" and insert "(e)".

On page 4, line 24, strike out "(4)" and insert "Sec. 6."

On page 5, line 1, strike out "(5)" and insert "Sec. 7."

On page 5, line 3, strike out "(A)" and insert "(a)".

On page 5, line 7, strike out "(B)" and insert "(b)".

On page 5, line 11, strike out "avoided." and insert "avoided."

MR. ASPINALL: Mr. Chairman, it is my understanding that these amendments are satisfactory to the committee having jurisdiction over this legislation. Most of them are technical. However, there are three or four amendments which are substantial in their effect.

The first amendment has reference to the Fish and Wildlife Coordination Act. This language is deleted in order that this new legislation can stand on its own and will not be tied to an exist-

ing program. The subject matter of the bill relates to all environmental classes, and therefore its enactment as an amendment to this act is not appropriate and should be changed.

The second important amendment has to do with the question of Senate confirmation. Requirements for Senate confirmation of members of the Council is deleted by my amendment. I see no reason for Senate confirmation of a Presidential council of this nature. In fact, I think it dilutes the importance of the council. I think it means, if you take it as I read it, that this House is giving the Senate in the membership of the proposed council a great deal of its own prerogative in the establishment of the Council itself.

The amendments were agreed to. . . .

Amendment offered by Mr. (Emilio Q.) Daddario (of Connecticut): On page 1, strike lines 3 through 6 and insert the following:

"That (a) This Act may be cited as The Environmental Quality and Productivity Act of 1969.

Sec. (b)(1). The Congress, recognizing that man depends on his biological and physical surroundings for food, shelter, and other needs . . . and recognizing further the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances . . . on the quality of life available to the American people; hereby declares that it is the continuing policy . . . of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

"(A) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

"(B) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings; . . .

"(E) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

"(F) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources. . . .

"Sec. (c) The Congress authorizes and directs that the policies, regulations, and public laws of the United States, to the fullest extent possible, be interpreted and administered in accordance with the policies set forth in this Act, and that all agencies of the Federal Government—

"(1) utilize to the fullest extent possible a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision-making. . . .

"(3) include in every recommendation or report on proposals for legislation and other Federal actions significantly affecting the quality of the human environment, a finding by the responsible official that—

"(A) the environmental impact of the proposed action has been studied and considered. . . .

CONFORMING AMENDMENTS

On page 2, line 13, strike out "'(b)" and insert "2".

On page 3, line 1, strike out "'(c)(1)" and insert "3A". . . .

On page 4, line 1, strike out "'(B)" and insert "(ii)".

On page 4, line 10, strike out "'(C)" and insert "(iii)".

On page 4, line 17, strike out “(D)” and insert “(iv)”.

On page 4, line 21, strike out “(E)” and insert “(v)”.

On page 4, line 24, strike out “(4)” and insert “(D)” . . .

On page 5, after line 19, insert new sections f, g, and h, as follows:

“Sec. f. The annual reports submitted to the Congress pursuant to section 2 of this Act shall be referred by the Speaker to each standing committee of the House of Representatives that has jurisdiction over any part of the subject matter of the reports. . . .

“Sec. h. There are authorized to be appropriated to carry out the provisions of this Act not to exceed \$300,000 for fiscal year 1970, \$500,000 for fiscal year 1971, and \$1,000,000 for each fiscal year thereafter.”

MR. ASPINALL: After the bill has been perfected by the so-called Aspinall amendment, the amendment offered by the gentleman from Connecticut is offered as an amendment to that amendment as such, after it has been adopted by the House.

If the amendment were offered as a substitute, then I could not object to it, so far as that is concerned. But I object to it as purely an amendment. . . .

THE CHAIRMAN:⁽¹⁸⁾ . . . The Chair upholds the point of order of the gentleman from Colorado that the amendment of the gentleman from Connecticut attempts to amend an amendment already agreed to and is not in order. The Chair sustains the point of order.

Parliamentarian's Note: Had it not been for the conflict between the conforming amendments, the

18. Richard D. McCarthy (N.Y.).

Chair might have permitted the Daddario motion to strike out and insert, since it struck out more than the words previously stricken by the Aspinall amendment.

§ 31. Adoption of Motion To Strike Out; To Strike Out and Insert

Adoption of Amendment Striking Out Section as Vitiating Prior Adoption of Perfecting Amendments to Section

§ 31.1 A motion to strike a section of a bill, if adopted, strikes the entire section including a provision added as a perfecting amendment to that section.

On Sept. 29, 1975,⁽¹⁹⁾ during consideration of a bill⁽²⁰⁾ in the Committee of the Whole, a perfecting amendment had been adopted. Pending was a motion to strike the section carrying the perfected text. The Chair responded to parliamentary inquiries, as follows:

MR. [BILL] ALEXANDER [of Arkansas]: I have a parliamentary inquiry, Mr. Chairman.

19. 121 CONG. REC. 30772, 30773, 94th Cong. 1st Sess.

20. H.R. 8630, Postal Reorganization Act Amendments of 1975.